IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

ANGELA A. MASSEY,)	
)	
Plaintiff,)	
)	
v.)	No. 12-0592-SSA-CV-W-MJW
)	
CAROLYN COLVIN,)	
Acting Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	
	ORDER	

On November 11, 2013, plaintiff Angela A. Massey filed a motion for an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The Commissioner has responded to the pending motion and does not oppose the amount requested.¹

Under the EAJA, a prevailing party in an action brought against the United States shall be awarded attorney fees unless the position of the United States was "substantially justified" or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(a). Plaintiff was a prevailing party in this action, an award is appropriate, and the amount of fees requested is reasonable.

THEREFORE, IT IS ORDERED that the motion of plaintiff Angela A. Massey for an award of attorney fees under the EAJA in the amount of \$5,250.00 is granted, with the check to be made payable to Plaintiff and mailed to Plaintiff's counsel, Roger M. Driskill. [20] It is further

ORDERED that the above award is subject to offset to satisfy any pre-existing debt Plaintiff may owe to the United States.

¹In accordance with <u>Astrue v. Ratliff</u>, 560 U.S. 586 (2010), the EAJA fee is payable to the plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

Dated this 25th day of November, 2013, at Jefferson City, Missouri.

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MATT J. WHITWORTH United States Magistrate Judge